



#92164

Albert P. Moras  
400 Beechwood Rd.  
Ridgewood, NJ 07450

April 4, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attention: Group Director, Tech Center 2100  
Group Art Unit 2164

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APR 18 2002  
Technology Center 2100

**Re: Protest Under 37 CFR 1.291(a)**

**Name of Applicant:** Ginsberg, Philip M.; et al.  
**Application Number:** 20020019799, **Ser. No.** 09/853430  
**Filing Date:** May 10, 2001; and  
**Application Ser. No:** 60/223,028  
**Filing Date:** August 4, 2000

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APR 26 2002  
GROUP 3600

**Title of Invention:** "Systems and Methods for Anonymous Electronic Trading"

Dear Sir or Madam:

The following materials are presented for your review, with the corresponding explanations of relevance:

Exhibits I.a, I.b and I.c:

These exhibits pertain to Application 20020019799, Claims 1,2,14 and 15. The prior art (I.a, I.b) and reference (I.c) show that the QV Trader Powerview product is a system of workstations, processors, software and interfaces that allows a trader to selectively subscribe to the bids and offers from other traders and have that information displayed, and to elect to exclude other traders' market quotations. This is very similar to the claims cited. Exhibit I.a shows an example whereby a trader receives market quotations from several sources. Given that not all possible sources will have a trading relationship with the trader, the selective receipt of different market quotations and the ability to trade on them is required. This was reviewed and analyzed by TowerGroup in a July 2000 research report entitled "Consolidating Data from Multiple E-Bond Systems: Dealer Solutions", wherein the system depicted by the prior art was evaluated.

Exhibits II.a, II.b, and IV.a:

These exhibits pertain to Application 20020019799, Claims 4,5,17,18. The prior art (II.a, II.b) is from a user manual prepared for Bondpage.com that explained how to use the "margin" and "credit control" system that restricted traders from exceeding their pre-defined risk limits, and similar to the claims cited, determined, among other things, when to process a pending transaction after certain warning limits had been reached. Moreover, Exhibit IV.a contains meeting minutes from a September 18, 2000 Board meeting during which the Credit Administration risk-management module was demonstrated to the Directors present, including a Mr. Glen Kirwin who was closely associated with the Applicants in his role as Managing Director of Product Development for eSpeed, Inc. Applicant/inventor Mr. Howard W.Lutnick was/is CEO of eSpeed, Inc.

Exhibits III.a through III.f:

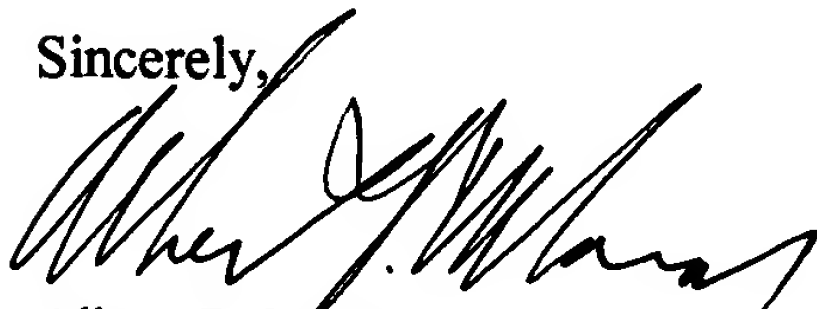
These exhibits pertain to Application Ser. No. 60/223,028 that is included with the May 10, 2001 filing. References to the reproduced application description including [0027], [0028], [0029] and [0030] describe numeric keypads; buy/sell/bid/offer buttons; quantity buttons; "+" and "-" buttons; cancel, cancel all, cancel all bids, cancel all offers buttons; keyboard entry fields and assorted user interface features. The prior art Exhibits III.a – III.f represent marketing and sales materials that clearly demonstrate prior invention of these features and techniques.

Exhibit IV.a and IV.b:

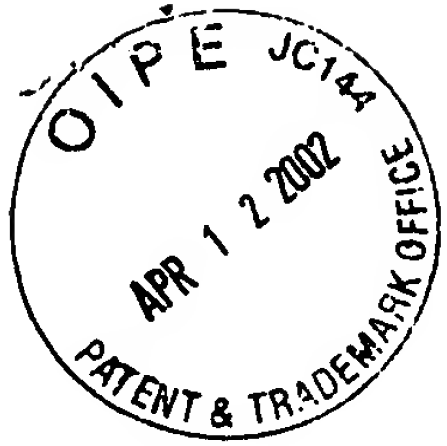
These exhibits raise questions about the conduct of a Mr. Glen Kirwin who, as mentioned earlier, was both a Director of the firm that created the prior art and a senior executive of another firm, eSpeed, Inc., a company that is controlled by the Applicant, Mr. Howard W. Lutnick. It is important to note that Mr. Kirwin's letter announcing his resignation from the Board of QV Trading Systems, Inc., is dated the same day as the filing of the Application, May 10, 2001. As a Director of QV Trading Systems, Inc., Mr. Kirwin had privileged access to proprietary information, trade secrets, product development strategies, software designs, etc., that could have a bearing on the Applicant's ability to withstand a challenge to the patentability of certain claims of the invention, should the protester submit a later challenge pursuant to 37 CFR 1.501(a).

A copy of the notice served to the Applicant is enclosed with this letter. Thank you for your attention to this matter.

Sincerely,



Albert P. Moras  
212-391-9036  
alm@mbhllc.com



**Mr. Albert P. Moras  
400 Beechwood Rd.  
Ridgewood, NJ 07450**

April 4, 2002

Fish & Neave  
1251 Avenue of the Americas  
50th Floor  
New York, NY 10020-1105

Dear Sirs,

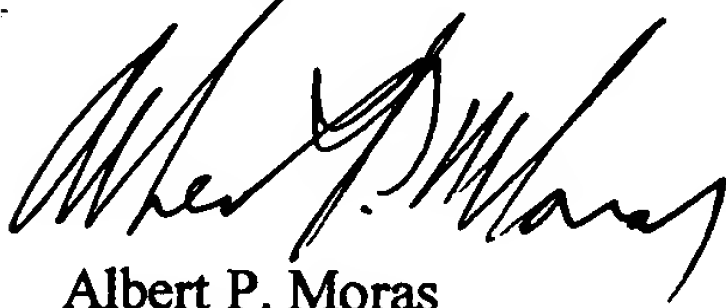
You are hereby given notice that I have filed a protest pursuant to 37 CFR 1.291(a) regarding your pending application for patent, numbered 20020019799, filed May 10, 2001. A copy of the protest, with exhibits, is included with this letter.

I have acquired the legal rights to all software and related intellectual property of the former QV Trading Systems, Inc., a company in which eSpeed, Inc. had a 15% ownership interest. As a result, pursuant to 37 CFR 1.291(a), and later, if the patent is granted, under 37 CFR 1.501(a), I will challenge the patentability of certain claims made in the application that I believe can be shown to be the prior invention of QV Trading Systems, Inc. I was the CEO of QV. Also, the fiduciary duty of Mr. Glen Kirwin who was both a Director of QV and a senior executive at eSpeed, Inc., will need to be examined, particularly in light of the coincidental timing of his resignation from the QV Board and the filing of the application.

I am sure there are ways we can settle this matter to our mutual satisfaction. If you wish to speak with me, please call me at 212-391-9036 or 201-390-8682 (cell).

Thank you.

Sincerely,



Albert P. Moras